

EXHIBIT

A

IN THE CIRCUIT COURT OF MADISON COUNTY TENNESSEE
FOR THE TWENTY-SIXTH JUDICIAL DISTRICT AT JACKSON

FILED

SHERRY FLOYD,

Plaintiff,

VS.

WAFFLE HOUSE, INC.,
WAFFLE HOUSE #496,
AND JOHN/JANE DOE,

Defendants,

DOCKET NO:

DIVISION

JURY DEMANDED

DEC 06 2021
KATHY BLOUNT, CIRCUIT COURT CLERK
DEPUTY CLERK
A.M. 3:10 P.M.

C-21-294
III

PREMISES LIABILITY COMPLAINT

TO THE HONORABLE JUDGES OF THE CIRCUIT COURT OF TENNESSEE FOR THE
TWENTY-SIXTH JUDICIAL DISTRICT AT JACKSON:

Comes now the plaintiff, Sherry Floyd, by and through counsel, Ashley Schuerman Bennett, and for cause of action against the defendants herein respectfully charges and avers as follows:

JURISDICTION AND VENUE

1. Plaintiff, Sherry Floyd, is a resident citizen of McNairy County, Tennessee.
2. Upon Information and belief the store where the accident occurred is owned, managed, and/or maintained by Defendant, Waffle House, Inc., a foreign corporation authorized to do business in the State of Tennessee and maintaining a principal place of business at 5986 Financial Drive, Norcross, GA 30071-2949 and has designated as it's Tennessee registered agent for service of process, Corporation Service Company, 2908 Poston Avenue, Nashville, TN 37203-1312.

3. Upon information and belief, the store where the accident occurred is owned, managed and/or maintained by Defendant Waffle House #496 located at 2314 N. Highland, Jackson, Madison County, Tennessee. Waffle House #496 can be served through manager on the premises.

4. John/Jane Doe is a potential Defendant whose identities are presently unknown to Plaintiff and who may be legally responsible and/or culpable for Plaintiff's injuries and damages. Plaintiff hereby reserves the right to amend this Complaint and substitute such parties if and when identity becomes known through the discovery process or otherwise.

5. This is a tort action arising out of an accident which occurred on or about December 30, 2020, at the premises commonly known as Waffle House, Inc. #496, located at 2314 N. Highland, Jackson, Madison County, Tennessee, wherein the plaintiff suffered injuries and damages as a direct and proximate result of the joint, several and concurring negligent acts of the respective defendants.

FACTS

6. On or about December 30, 2020, Plaintiff, Sherry Floyd, was dining at Waffle House, Inc. #496, located at 2314 N. Highland, Jackson, Madison County, Tennessee when she went to use the restroom. That as a direct and proximate result of the hereinafter described negligent acts of the defendants, their agents, servants, and/or employees, plaintiff was caused to slip and fall when she came upon a slippery substance located on the floor of the ladies' restroom. That defendants knew or should have known of the slippery substance and failed to remove the liquid from the floor. There were no warning signs to warn plaintiff of the dangerous condition. That as a result of the

accident, plaintiff sustained damages hereinafter described. At all times material to this complaint, the Defendants had exclusive control of the property in question and had a duty to maintain the premises in a safe condition.

ACTS OF NEGLIGENCE

7. Plaintiff alleges that Defendant, its agents, servants and/or employees, had a duty to all patrons including plaintiff, to use due care under all circumstances. Further, Defendant owed a duty to plaintiff to prevent such a dangerous condition or maintain and repair the area and owed a duty to warn the plaintiff of the existence of any such dangerous condition and/ or to correct such conditions promptly. Defendant, its agents, servants and/or employees knew this type of injury was foreseeable under the circumstances.

8. Plaintiff further alleges that the defendant, its agents, servants and/or employees, were negligent in the following Acts of Common Law Negligence, to-wit:

1. Failed to maintain the floor in a safe manner;
2. Failed to take the necessary steps to correct a dangerous situation when the Defendant knew, and/or should have known in the exercise of reasonable care that an injury would result to a visitor on their property;
3. Failed to barricade the dangerous condition and/or take other steps to assure the safety of visitors;
4. Failed to use warning signs in and around the dangerous condition;
5. Failed to take the necessary steps to correct the dangerous condition;
6. Created and/or allowed a dangerous condition to exist when the defendant knew and/or should have known that the dangerous condition existed and it was foreseeable that it would result in injury to invitees of the store.

7. Failed to inspect the premises and properly maintain the premises;

INJURIES

9. Plaintiff alleges that as a direct and proximate result of the hereinabove described negligent acts of the defendants, she sustained personal injuries to her back.

10. Plaintiff alleges that she has endured excruciating pain and suffering, and that she continues to suffer and will suffer in the future.

11. That in order to alleviate her pain and suffering, plaintiff has incurred reasonable and necessary hospital, doctor, and medical expenses. That she continues to suffer from her injuries and will incur said expenses in the future and sues for same.

12. The Plaintiff incurred and hereby itemizes her medical bills in accordance with T.C.A. 24-5-113 as follows:

Prime Care Medical Center	\$ 937.00
Hardin Medical Center	\$ 5,822.00
Memphis Radiological, PC	\$ 754.00
Jackson Radiology Associates	\$ 3,024.00
Jackson Madison County	\$ 19,046.55
West Tennessee Emergency	\$ 680.00
Deaconess Home Healthcare	\$ 7,250.04
Medical Center EMS	\$ 2,157.80
Total Medical	\$ 39,671.39

13. Plaintiff alleges that she has sustained a loss of enjoyment of life as a result of her injuries and sues for same.

14. Plaintiff alleges that she has sustained mental anguish as a result of her injuries and sues for same.

RELIEF SOUGHT

WHEREFORE, Plaintiff, Sherry Floyd, sues the Defendants, jointly and severally,

for the sum of Three Hundred Thousand Dollars (\$300,000.00) damages, actual and compensatory.

WHEREFORE, PREMISES CONSIDERED, plaintiff respectfully prays for damages as they may appear on the trial of this cause reserving the right to amend this pleading to conform to the facts as they may develop, for cost and interest, and for all other general relief justified by the facts under the law or equity.

The Plaintiff herein demands a jury to try the issues when joined.

Respectfully submitted,

SCHUERMAN SMITH AND ASSOCIATES PLLC



Ashley Schuerman Bennett #31689

Attorney for Plaintiff
1027 S. Yates Road
Memphis, TN 38119
(901) 794-6720
abennett@ssalawfirm.com

"ORIGINAL"
IF IT IS NOT IN
RED, IT IS AN ORIGINAL

Circuit Court of Tennessee Twenty Fifth Judicial District 515 S. Liberty St. Jackson, TN 38301	STATE OF TENNESSEE CIVIL SUMMONS page 1 of 1	Case Number C-21-294 DIV. III
Sherry Floyd v. Waffle House, Inc., Waffle House #496, John/Jane Doe		
Served On: Waffle House (Serve and Manager on duty 1724 S. Highland Ave, Jackson, TN 38301)		

You are hereby summoned to defend a civil action filed against you in Circuit Court for the Twenty Fifth Judicial District of Madison County, Tennessee. Your defense must be made within thirty (30) days from the date this summons is served upon you. You are directed to file your defense with the clerk of the court and send a copy to the plaintiff's attorney at the address listed below. If you fail to defend this action by the required date, judgment by default may be rendered against you for the relief sought in the complaint.

Issued: December 4, 2021

Sherry Floyd
Clerk / Deputy Clerk -

Attorney for Plaintiff: Ashley Schuerman Bennett (31689)
1027 S. Yates Rd., Memphis, TN 38119 (901)794-6720

NOTICE OF PERSONAL PROPERTY EXEMPTION

TO THE DEFENDANT(S): Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption as well as a homestead exemption from execution or seizure to satisfy a judgment. The amount of the homestead exemption depends upon your age and the other factors which are listed in TCA §26-2-301. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for your self and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to execute it, you may wish to seek the counsel of a lawyer. Please state file number on list.

Mail list to

RECEIVED

CERTIFICATION (IF APPLICABLE)

DEC - 8 2021

I, Kathy Blount, Clerk of Madison County do certify this to be a true and correct copy of the original summons issued in this case.

Date: _____

Clerk / Deputy Clerk -

Madison County
Sheriff's Office
Warrants Division

OFFICER'S RETURN: Please execute this summons and make your return within ninety (90) days of issuance as provided by law.

I certify that I have served this summons together with the complaint as follows: SERVE MANAGER ON DUTY

Date: 12-9-21

By: DEP L. COLEY 7610

RETURN ON SERVICE OF SUMMONS BY MAIL: I hereby certify and return that on _____, I sent postage prepaid, by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the complaint in the above styled case, to the defendant _____. On _____ I received the return receipt, which had been signed by _____ on _____. The return receipt is attached to this original summons to be filed by the Court Clerk.

FILED

Date: _____

DEC 13 2021

Notary Public / Deputy Clerk (Comm. Expires _____)

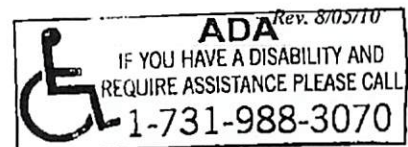
Signature of Plaintiff KATHY BLOUNT, CIRCUIT COURT CLERK

Plaintiff's Attorney (or Person Authorized to Serve Process)

9:27 A.M. (Attach return receipt on back)

ADA: If you need assistance or accommodations because of a disability, please call ADA Coordinator, at <txtADACoordinatorPhone>

172874



EXHIBIT

B



STATE OF GEORGIA

Annual Registration

OFFICE OF THE SECRETARY OF STATE

2 Martin Luther King Jr Dr.
313 West Tower
Atlanta, Georgia 30334

RECEIVED
SECRETARY OF STATE
INTAKE DIVISION

APR -7 AM 10:59

Information on record as of: 3/29/2021

Entity Control No. H602801

Amount Due: \$50

Amount Due AFTER April 01,2021 \$75

WAFFLE HOUSE, INC.
5986 Financial Dr,
Norcross, GA 30071

Annual Registration Period: 2021

Each business entity registered or filed with the Office of Secretary of State is required to file an annual registration each year its due by April 1. Amount due for this entity is indicated above and below on the remittance form. Annual registration fee is \$50.00 per year. If amount is more than \$50.00 per year, the total reflects amount(s) due from previous year(s) and any applicable late fee(s). If your annual registration and payment are not postmarked by 04/01/2021, you will be assessed a \$25.00 late filing penalty fee. There is a \$10.00 service charge if any annual registration is filed by paper. Return completed form to the Secretary of State at the above address.

Entity Name	Address	City	State	Zip
WAFFLE HOUSE, INC.	5986 Financial Dr	Norcross	GA	30071
AGT: GREGORY J NEWMAN	5986 FINANCIAL DRIVE	NORCROSS	GA	30071
CEO: WALTER G EHMER	5986 FINANCIAL DR	NORCROSS	GA	30071-2949
CFO: ROBERT G MOORE	5986 FINANCIAL DR	NORCROSS	GA	30071-2949
SEC: JONATHAN S WALLER	5986 FINANCIAL DR	NORCROSS	GA	30071-2949

IF ABOVE INFORMATION HAS CHANGED, TYPE OR PRINT CORRECTIONS BELOW:

Entity Address:	5986 Financial Dr	Norcross	GA	30071
AGT: GREGORY J NEWMAN	5986 FINANCIAL DRIVE	NORCROSS	GA	30071
SEC : JONATHAN S WALLER	5986 FINANCIAL DR	NORCROSS	GA	30071-2949
CFO : ROBERT G MOORE	5986 FINANCIAL DR	NORCROSS	GA	30071-2949
CEO : WALTER G EHMER	5986 FINANCIAL DR	NORCROSS	GA	30071-2949
I CERTIFY THAT I AM AUTHORIZED TO SIGN THIS FORM AND THAT THE INFORMATION IS TRUE AND	P.O. BOX NOT ACCEPTABLE FOR REGISTERED AGENT'S ADDRESS	COUNTY OF REGISTERED OFFICE: GWINNETT	COUNTY CHANGE OR CORRECTION: GWINNETT	

CORRECT.		
AUTHORIZED SIGNATURE: MARSHELL PEEK		Date: 3/29/21
PRINT NAME: TM H Peek		
Title: Authorized Person	Email: marshellpeek@yahoo.com	
Filing Fee: \$50	Service Charge: \$10.00	Total Due: \$60

For faster processing, we invite you to file your annual registration online with a credit card at www.sos.ga.gov/corporations/. Alternatively, for an additional \$10.00 paper filing service charge you may mail your annual registration in by submitting the above portion of this remittance with a check or money order payable to "Secretary of State." Payment of the \$10.00 service charge for filing by paper must be included with your total payment. **Counter or starter checks will not be accepted by our office. We cannot accept cash for payment.** Checks that are dishonored by your bank are subject to a \$30.00 NSF charge. Failure to honor your payment could result in a civil suit filed against you and/or your entity may be administratively dissolved by the Secretary of State.

Information currently of record is listed above. Please verify this information including the "county of registered office." If correct and complete, please sign and return with payment. Or, enter changes as needed and submit. Any person authorized by the entity to do so may sign and file an annual registration (including online filing). **Note: Registered agent address must be a street address in Georgia where the agent may be served personally. A mail drop or P.O. Box does not comply with Georgia law for registered office. P.O. boxes may be used for principal office and officer/general partner addresses.**

If changes to your entity need to be made after the Annual Registration has been filed, such as principal office address, officer (corporations only), registered agent name and address within the current year, an amended annual registration must be filed. The fee to file an amended annual registration is \$20.00. Annual registration fees will not be refunded if an entity is dissolved, cancelled, terminated, merged out of existence, withdrawn, administratively dissolved, or revoked prior to the end of an annual registration period.

Please return original form above and applicable fee(s). For more information on annual registrations or to file online, visit www.sos.ga.gov/corporations/, or call 404-656-2817.

EXHIBIT

C



STATE OF GEORGIA

Annual Registration

OFFICE OF THE SECRETARY OF STATE

2 Martin Luther King Jr Dr.
313 West Tower
Atlanta, Georgia 30334

RECEIVED
SECRETARY OF STATE
INTAKE DIVISION

21 APR -7 AM 10:59

Information on record as of: 3/29/2021

Entity Control No. 09045544

Amount Due: \$50

Amount Due AFTER April 01, 2021 \$75

MID SOUTH WAFFLES, INC.
5986 Financial Drive,
Norcross, GA 30071

Annual Registration Period: 2021

Each business entity registered or filed with the Office of Secretary of State is required to file an annual registration each year its due by April 1. Amount due for this entity is indicated above and below on the remittance form. Annual registration fee is \$50.00 per year. If amount is more than \$50.00 per year, the total reflects amount(s) due from previous year(s) and any applicable late fee(s). If your annual registration and payment are not postmarked by 04/01/2021, you will be assessed a \$25.00 late filing penalty fee. There is a \$10.00 service charge if any annual registration is filed by paper. Return completed form to the Secretary of State at the above address.

Entity Name	Address	City	State	Zip
MID SOUTH WAFFLES, INC.	5986 Financial Drive	Norcross	GA	30071
AGT: Newman, Greg	5986 Financial Drive	Norcross	GA	30071
CEO: WALT EHMER	5986 FINANCIAL DR	NORCROSS	GA	30071
CFO: BOB MOORE	5986 FINANCIAL DR	NORCROSS	GA	30071
SEC: JON WALLER	5986 FINANCIAL DR	NORCROSS	GA	30071

IF ABOVE INFORMATION HAS CHANGED, TYPE OR PRINT CORRECTIONS BELOW:

Entity Address:	5986 FINANCIAL DRIVE	NORCROSS	GA	30071
AGT: Newman, Greg	5986 Financial Drive	Norcross	GA	30071
CFO : BOB MOORE	5986 FINANCIAL DR	NORCROSS	GA	30071
SEC : JON WALLER	5986 FINANCIAL DR	NORCROSS	GA	30071
CEO : WALT EHMER	5986 FINANCIAL DR	NORCROSS	GA	30071
I CERTIFY THAT I AM AUTHORIZED TO SIGN THIS FORM AND THAT THE INFORMATION IS TRUE AND CORRECT.	P.O. BOX NOT ACCEPTABLE FOR REGISTERED AGENT'S ADDRESS	COUNTY OF REGISTERED OFFICE: GWINNETT	COUNTY CHANGE OR CORRECTION: GWINNETT	
AUTHORIZED SIGNATURE: MARSHELL PEEK		Date: 3/29/21		
PRINT NAME: <u>TH H Peek</u>				
Title: Authorized Person	Email: <u>marshellpeek@wafflehouse.com</u>			
Filing Fee: \$50	Service Charge: \$10.00		Total Due: \$60	

EXHIBIT
D

IN THE CIRCUIT COURT OF THE
TWENTY-SIXTH JUDICIAL DISTRICT
IN AND FOR MADISON COUNTY,
TENNESSEE

CASE NO.: C-21-294

SHERRY FLOYD,

Plaintiff,

v.

WAFFLE HOUSE, INC.,
WAFFLE HOUSE #496, and
JOHN/JANE DOE,

Defendants.

DEFENDANT'S NOTICE OF REMOVAL

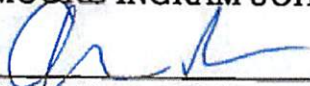
TO: Clerk of the Court
Circuit Court, Twenty-Sixth Judicial District
In and For Madison County, Tennessee

Pursuant to 28 U.S.C. § 1446(d), Defendants, WAFFLE HOUSE, INC., and WAFFLE HOUSE #496¹, submits for filing with this Court Notice of Removal, notifying this Court of its intent to file for removal with the Office of the Clerk of the United States District Court for the Western District of Tennessee. The Notice of Removal removes this action from the Circuit Court, Twenty-Sixth Judicial Circuit in and for Madison County, Tennessee to the United States District Court for the Western District of Tennessee.

Respectfully submitted, this 5 day of January, 2022.

¹ By seeking removal to ensure compliance with the federal statutory deadlines, Defendant, Waffle House, Inc., does not admit it is correctly named as the Defendant in this matter, as Plaintiff's Complaint identifies the wrong incident location and the incident that occurred involving Plaintiff was at a restaurant operated by Waffle House, Inc.'s wholly owned subsidiary, Mid South Waffles, Inc. As set forth in more detail herein though, both Waffle House, Inc. and Mid South Waffles, Inc. are diverse from Plaintiff.

MOORE INGRAM JOHNSON & STEELE, LLP




Charles Pierce, BPR# 025637
Chris G. Rowe, BPR# 032347
Attorney for Defendants
5300 Maryland Way, Suite 200
Brentwood, TN 37027
P:(615) 425-7347
F: (615) 425-7348

CERTIFICATE OF SERVICE

The undersigned attorney does hereby certify that a true and correct copy of the foregoing was duly served upon Plaintiff's counsel of record herein by mailing a copy of same, postage pre-paid, via First Class U.S. Mail, addressed as follows:

Ashley Scheurman Bennett
Attorney for Plaintiff
1027 S. Yates Road
Memphis, TN 38119

This 5th day of January, 2022.



Chris G. Rowe